

### REMARKS

Claims 1-67 are pending. The purpose of this communication is to provide arguments pointing out the specific distinctions making claims 6-67 patentable over the applied reference (Geshwind, US 2002/0052860 A1).

Independent claim 6 is directed to a method for generating skill-by-skill scores for individual test-takers comprising the steps of generating multiple potential skill sets, producing an item skill coding matrix, implementing an iterative procedure in which experts engage in a selection process whereby a single skill set and a single item skill coding matrix are selected, and applying the selected skill set and the selected item skill coding matrix to each test-taker's set of item responses in order to determine skill-by-skill scores for each test-taker. Geshwind is directed to a system and method for motivating learners to use an on-line instructional system. In the embodiment described, students who use an on-line standardized test preparation system and meet some minimum threshold of participation in the educational program receive some form of reward or incentive (generally merchandise, or a discount for merchandise) from a sponsor. (See e.g., Geshwind ¶¶31-36). Geshwind has no teaching with respect to any of the features recited in independent claim 6.

Claim 7 depends from claim 6 and recites that the item skill coding matrices are non-binary and reflect assignments of each item to one or more skills in proportion to the extent to which the item is deemed tested by said skills. Geshwind has no such disclosure.

Independent claim 8 is directed to a method for generating statements for individual test-takers with respect to skills assessed on a test, the method comprising obtaining as inputs for a first probabilistic function the test-takers' overall scores, a set of skills assessed on the test, and the test-takers' skill-by-skill scores on each skill assessed on the test and further obtaining a score-to-statement mapping between individual potential scores on the test as a whole and a set of statements used to describe overall test performance, and employing the function to select, based on the inputs, one of the statements to describe each test-taker's performance on each skill assessed on the test. Geshwind has no such disclosure.

Claim 9 depends from claim 8 and further recites obtaining as inputs for a second function the statements describing each test-taker's performance on each skill resulting from the first function, a statement-to-statement mapping between the set of overall statements used to describe individual scores on the test as a whole and a set of skill-appropriate statements and employing the second function to select, based on the inputs, a skill-appropriate statement to each test-taker's performance on each skill. Geshwind has no such disclosure.

Independent claim 10 is directed to a method for calculating individual growth potential in particular skills assessed on a test comprising obtaining as inputs for a first function individual skill-by-skill scores and benchmark skill scores of a larger group of test-takers on each of the skills evaluated by the test, and employing the first function to calculate, based on the inputs, a numerical score reflecting each individual's growth potential. Geshwind has no such disclosure.

Claim 11 depends from claim 10 and further recites obtaining as additional inputs the quantitative calculation of the extent to which each skill is tested on the test. Geshwind has no such disclosure.

Claim 12 depends from claim 10 and further recites obtaining as inputs for a second function the numerical scores calculated by the first function and a score-to-statement mapping between the calculated scores and a set of skill-appropriate statements, and evaluating the second function to assign based on the inputs skill-appropriate statement to each test-taker's performance on each tested skill. Geshwind has no such disclosure.

Independent claim 13 is directed to a method for assigning an appropriate statement in a skill to a group of test-takers based on their results comprising, with respect to a single skill, obtaining all assignments of statements for individual test-takers based on their results, with respect to that skill calculating a number of times each statement was assigned to individual test-takers in the group, and with respect to that skill assigning to the group the statement assigned to the greatest number of test-takers in the group. Geshwind has no such disclosure.

Independent claim 14 is directed to a method of choosing an instructional approach in a skill

appropriate for a group, comprising identifying a set of potential instructional approaches, estimating the utility of each identified instructional approach with respect to each test-taker based on the test-taker's performance in the skill on the test and determining which of the potential instructional approaches in the skill maximizes an aggregated utility of all individual test-takers in the group. Geshwind has no such disclosure.

Independent claim 15 is directed to a method of displaying test-taker results on a test comprising obtaining test-taker skill-by-skill scores or statements with respect to a test that is administered during a given instructional timeframe and assesses a subject in which the class groupings of test-takers for purposes of instruction varies between that instructional timeframe and a next analogous instructional timeframe, and displaying skill-by-skill scores or statements with respect to those test-takers wherein displays of such test-takers are organized around class groupings of a next analogous instructional timeframe. Geshwind has no such disclosure.

Independent claim 16 is directed to a method of displaying test results comprising providing a printed report that includes test results and related information for one or more tests and that includes one or more access codes to enable a recipient to access secure accounts on a computer network that contain additional test results and related information and distributing the report to an appropriate recipient. Geshwind has no such disclosure.

Claim 17 is believed to be allowable as being dependent from claim 16.

Independent claim 18 is directed to a method of providing results of a group of test-takers with respect to multiple skills comprising displaying the results such that a single display includes names of tested skills and corresponding scores or evaluative statements reflecting the group's results in each skill, employing an electronic interface to enable a viewer to select a tested skill and thereby view another display of the results, and displaying the results of the group of test-takers in the single skill wherein the latter mentioned display includes a list of test-takers' names and the presentation of scores or statements applied to each individual test-taker. Geshwind has no such disclosure.

Claims 19 and 20 are believed to be allowable as being dependent from allowable independent claim 18.

Independent claim 21 is directed to a method for providing results of one or more test-takers with respect to multiple skills together with specific instructional material comprising displaying the results such that a single display includes names of tested skills and corresponding scores or statements reflecting the test-takers' aggregate results in each skill, and employing an electronic interface to enable a viewer of the display to select a tested skill and thereby view instructional materials relevant to that skill. Geshwind has no such disclosure.

Claim 22 is believed to be allowable as being dependent from allowable independent claim 21.

Independent claim 23 is directed to a method of providing results of one or more test-takers with respect to skills assessed on a multi-skill test, comprising, *inter alia*, displaying the results of the test-taker in multiple-tested skills on a single test such that a single display includes names of the tested skills and for each skill corresponding scores or statements reflecting the test-takers' aggregate results in that skill, and employing an electronic interface to enable a viewer of the display to select a tested skill and thereby view one or more assessments specific to that skill. Geshwind has no such disclosure with respect to these elements or the remaining elements of independent claim 23.

Independent claim 24 is directed to a method of providing results of a group of test-takers with respect to multiple skills assessed on a test, the method comprising displaying overall results of the group of test-takers on the test such that a single display includes multiple test takers and corresponding overall scores in the tests for each test-taker, employing an electronic interface to enable a viewer to select an individual test-taker and thereby view a display of that test-taker's result in multiple-tested skills and displaying an individual test-taker's results in multiple-tested skills. Geshwind has no corresponding disclosure or teaching.

Claim 25 is believed to be allowable as depending from allowable independent claim 24.

Independent claim 26 is directed to a system for processing and displaying test results comprising a data intake module to obtain the test and item responses for the test and a computer module adapted to determine appropriate skill categories necessary for a correct response for each of the items, assess the extent to which each item on the test assesses one or more of the skills determined, and calculate a score for each student's performance in each of the skill categories. Geshwind has no corresponding teaching or disclosure.

Claims 27-30 are believed to be allowable as depending from allowable independent claim 26.

Independent claim 31 is directed to a system for generating statements for individual test-takers with respect to skills assessed on a test comprising a data intake module to obtain as inputs for a first probabilistic function the test-takers' overall scores on the test, a set of skills assessed on the test, skill-by-skill scores on each skill, and a score-to-statement mapping between individual possible scores on the test as a whole and a set of overall statement used to describe overall performance, and a computer adapted to employ the function to select, based on the inputs, one of the overall statements to describe each test-taker's performance on each skill. Geshwind has no corresponding teaching or disclosure.

Claim 32 is believed to be allowable as depending from allowable independent claim 31.

Independent claim 33 is directed to a system for calculating individual test-taker's growth potential comprising a data intake module to obtain as inputs for a first function individual skill-by-skill scores and benchmark skill scores of a larger group of test-takers and a computer adapted to employ the first function to calculate, based on the inputs, a numerical score reflecting each individual's growth potential in each skill. Geshwind has no corresponding teaching or disclosure.

Claims 34-35 depend from independent claim 33 and are believed to be allowable.

Independent claim 36 is directed to a system for assigning an appropriate statement in a skill to a group of test-takers comprising a data intake module to ,with respect to a single skill, obtain as

inputs all assignments of statements of individual test-takers based on their results on the test and a computer adapted to, with respect to that skill, calculate a number of times each statement was assigned to individual test-takers in the group and with respect to that skill assign to the group the statement assigned to the greater number of test-takers in the group. Geshwind has no corresponding teaching or disclosure.

Independent claim 37 is directed to a system for choosing an instructional approach in a skill appropriate for a group of test-takers based on test results, comprising a computer adapted to identify a set of potential instructional approaches, estimate the utility of each identified approach with respect to each individual based on the individual's performance in the skill, and determine which of the potential instructional approaches in the skill maximizes an aggregated utility of all individual test-takers in the group. Geshwind has no corresponding teaching or disclosure.

Independent claim 38 is directed to a system for displaying test-taker results administered during the prior instructional timeframe comprising a data intake module to obtain test-taker skill-by-skill scores or statements with respect to a test that is administered during a given instructional timeframe and assesses a subject in which the class groupings of test-takers for purposes of instruction varies between the instructional timeframe and the next analogous timeframe, and a display and a computer adapted to cause to be displayed on the display scores or statements with respect to those test-takers wherein displays of such test-takers are organized on class groupings of a next analogous instructional timeframe. Geshwind has no corresponding teaching or disclosure.

Independent claim 39 is directed to a system for providing results of a group of test-takers with respect to multiple skills assessed on a test comprising a display on which a single screen includes the names of tested skills and corresponding scores or statements reflecting the group's results in each skill and an electronic interface to enable a viewer to select a skill from the display and thereby view another display of the results of the group in a single skill. Geshwind has no corresponding teaching or disclosure.

Claims 40-41 depend from independent claim 39 and are believed to be allowable.

Independent claim 42 is directed to a system providing results together with skill-specific instructional materials comprising a display on which a single screen includes names of tested skills and corresponding scores or statements reflecting the test-takers' aggregate results in the skill, and an electronic interface to enable a viewer to select a skill and thereby view instructional materials relevant to that skill. Geshwind has no corresponding teaching or disclosure.

Claim 43 depends from claim 42 and is believed to be allowable.

Independent claim 44 is directed to a system for providing results of one or more test-takers with respect to skills assessed on one or more multi-skill test, comprising, *inter alia*, a display on which a single screen includes names of the tested skills and for each skill corresponding scores or statements reflecting the test-takers' aggregate results in that skill and an electronic interface to enable a viewer to select a tested skill and thereby view an assessment specific to that skill, and choose, distribute, and collect results of the assessment. Geshwind has no corresponding teaching or disclosure.

Independent claim 45 is directed to a system for providing results of a group of test-takers with respect to multiple skills comprising a display which includes a display of multiple test-takers and corresponding overall scores in the test for each individual, and an electronic interface to enable a viewer to select an individual test-taker and thereby view a display of that test-taker's results in multiple-tested skills wherein the display includes multiple-tested skills with corresponding scores reflecting the test-taker's performance in each skill. Geshwind has no corresponding teaching or disclosure.

Claim 46 depends from claim 45 and is believed to be allowable.

Independent claim 47 is directed to a computer readable medium storing computer executable instructions that when applied to a computer cause the computer system to obtain the test and item responses for the test, and determine appropriate skill categories necessary for a correct response for each of the items and assess the extent to which each item on the test assesses one or more of the skills determined and calculate a score for each student's performance in each of the skill categories.

Geshwind has no corresponding teaching or disclosure.

Claims 48-51 depend from claim 47 and are therefore believed to be allowable.

Independent claim 52 is directed to a computer readable medium storing computer executable instructions that cause a computer to perform the method of independent claim 8 and is therefore believed to be allowable for the same reasons as applied to claim 8.

Claim 53 depends from claim 52 and is therefore believed to be allowable.

Independent claim 54 is directed to a computer readable medium storing computer executable instructions that cause a computer to perform the method recited in independent claim 10 and is therefore believed to be allowable for the same reasons applied to claim 10.

Claims 55 and 56 depend from claim 54 and are therefore believed to be allowable.

Independent claim 57 is directed to the computer-readable medium storing computer executable instructions that cause a computer system to perform the method recited in independent claim 13 and is therefore believed to be allowable for the same reasons applied to claim 13.

Independent claim 58 is directed to a computer-readable medium storing computer executable instructions that cause a computer to perform the method recited in independent claim 14 and is believed to be allowable for the same reasons applied to claim 14.

Independent claim 59 is directed to a computer-readable medium storing computer executable instructions that cause a computer to perform the method recited in independent claim 15 and is believed to be allowable for the same reasons applied to claim 15.

Independent claim 60 is directed to a computer-readable medium storing computer executable instructions that cause a computer to perform the method recited in independent claim 18 and is believed to be allowable for the same reasons applied to claim 18.

Claims 61 and 62 depend from claim 60 and are believed to be allowable.

Independent claim 63 is directed to a computer-readable medium storing computer executable instructions that cause a computer to perform the method recited in independent claim 21 and is believed to be allowable for the same reasons applied to claim 21.



Claim 64 depends from claim 63 and is believed to be allowable.

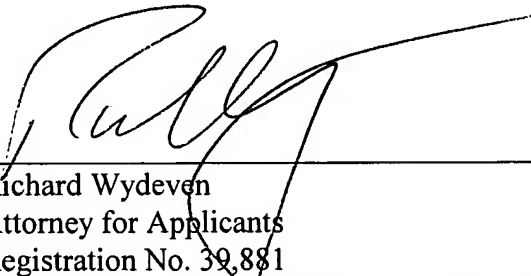
Independent claim 65 is directed to a computer-readable medium storing computer executable instructions that cause a computer system to perform the method recited in independent claim 23 and is believed to be allowable for the same reasons applied to claim 23.

Independent claim 66 is directed to a computer-readable medium storing computer executable instructions that cause a computer system to perform the method recited in independent claim 24 and is believed to be allowable for the same reasons applied to claim 24.

Claim 67 depends from claim 66 and is believed to be allowable.

Respectfully submitted,

By



Richard Wydeven  
Attorney for Applicants  
Registration No. 39,881  
ROTHWELL, FIGG, ERNST & MANBECK, p.c.  
Suite 800, 1425 K Street, N.W.  
Washington, D.C. 20005  
Telephone: (202)783-6040